

# CHAPTER 3— MANAGEMENT REQUIREMENTS FOR HAZARDOUS MATERIALS AND HAZARDOUS WASTES

## 3.1 Hazardous Materials vs. Hazardous Wastes

This chapter addresses the general regulations and best management practices associated with your hazardous materials and your hazardous wastes. It is important to differentiate between hazardous materials and hazardous wastes because they are often regulated by separate and/or multiple agencies.

Many of the products that you purchase for use in your shop contain hazardous materials. Hazardous materials are dangerous to human health and the environment. When these products are no longer of use to you and are destined for disposal or are recycled, they are usually regulated by IDEM under the hazardous waste regulations or alternative regulations.

Your use of hazardous materials and hazardous wastes are regulated by four separate agencies:

- The U.S. Department of Transportation (DOT);
- The Indiana Department of Labor [administers Occupational Safety and Health Administration (OSHA) regulations];
- The Indiana Department of Fire & Building Services; and
- The Indiana Department of Environmental Management (IDEM.)

Hazardous materials and hazardous wastes are regulated by DOT to ensure that the materials are safely transported, by OSHA to ensure that the materials do not harm employees, and by the Indiana Department of Fire & Building Services to ensure that both your employees and the general public are protected from harm. IDEM regulates hazardous materials and hazardous wastes to ensure they are properly stored, that spills are properly cleaned up, and that hazardous wastes are properly recycled or disposed. Note that, depending upon where your shop is located, you may be required to follow local regulations, such as those of your city, county or publicly owned treatment works (POTW.)

Throughout the remainder of this manual, the regulations that **you must** follow as well as the options that **you should** do or that **you should consider** are listed. All regulations and options listed are IDEM's unless otherwise noted.

## 3.2 Purchasing and Receiving Products That Contain Hazardous Materials

The hazardous materials used by your shop pose certain risks to you, your employees, and the environment. To help you determine the dangers of hazardous materials, OSHA requires that manufacturers and distributors make a current Material Safety Data Sheet (MSDS) available to you for each of the hazardous materials you purchase. If an MSDS is not provided, you may obtain a copy by writing to the manufacturer or the distributor, or you may refuse the shipment until the distributor provides the appropriate MSDS sheet(s). Note that OSHA expects you to take

responsibility for obtaining an MSDS if one is not provided to you.

The MSDS sheet lists a variety of information about each product, including, but not limited to: fire and explosion data; health hazard data; spill or leak procedures; and special precautions. (See the sample MSDS in Attachment H for an overview of the type of information provided in an MSDS sheet.) There is no standard format for MSDS sheets, and not all MSDS sheets contain the same quality of information. Therefore, the MSDS is considered to be a starting point for finding information about the products that you use, but it is not always a complete source of information. In addition to reviewing the MSDS, you should also review each product's label.

Shops that use or store hazardous materials are required to have all of their MSDS sheets on file and to make this information available to all employees who could be exposed to hazardous materials. Businesses generally file all of their MSDS sheets in a 3-ring binder and keep that binder in a "known" location for all employees to use. Note that you must update your binder when the manufacturer revises its MSDS sheets and/or product formulation.

In addition to making the MSDS sheets available to employees, shop owners and managers are also required to ensure that hazardous materials are properly labeled and to train employees on the proper use and potential dangers of each of the hazardous materials used at the shop. See Chapter 4 for information on training requirements.

**You Must:**

- ! ensure that only properly trained employees accept deliveries of products that contain hazardous materials. Make sure that the training includes employee testing and that training is documented. See Chapter 4 for information on employee training requirements. [DOT]
- ! ensure that each incoming shipment is accompanied by a DOT shipping paper (such as a manifest, a bill of lading, waybill, or other document which serves a similar purpose.) A shipping paper is used to identify the material being transported. [DOT]
- ! ensure that the containers are properly labeled. If they are not properly labeled, you can either refuse the shipment or assume responsibility for labeling the containers. [DOT & OSHA]
- ! obtain an MSDS for any new chemicals that you purchase. If you purchase a product and do not receive an MSDS, write to the supplier to request one. It is the supplier's responsibility to send out MSDS sheets, but OSHA expects you to request one if it does not accompany your order. [OSHA]
- ! keep either MSDS sheets or records concerning the identity of the chemical (including where and when it was used) for 30 years after you stop using a chemical. [OSHA]
- ! properly label all chemicals. When transferring chemicals to different containers, place a label on the new container that indicates the name of the chemical and the warning information that was on the original container. You should also put the date on the label.

**You Should:**

- ! keep outdated MSDS sheets and/or MSDS sheets for products that are no longer used by your shop in a separate binder.
- ! keep all MSDS sheets indefinitely.
- ! check all product labels to ensure that they are consistent with DOT and OSHA requirements before you accept the material from your supplier.
- ! adopt a standard labeling format that is easy for employees to use.

### **3.3 Storing Hazardous Materials**

**You Must:**

- ! store materials in a manner that does not create a hazard. Ensure that stacked materials are limited in height and secured against sliding or collapsing. Do not allow excess materials to accumulate in your storage areas if doing so will result in a potential hazard for tripping, fire, explosion, or infestation of pests. [OSHA]
- ! follow the storage instructions listed on the label. [OSHA & Fire & Building Services]
- ! store flammables and combustibles in a fire cabinet or a storage room constructed to meet the 1-hour fire-resistant rating. Containers stored inside must not exceed 60 gallons in individual capacity: portable tanks must not exceed 660 gallons. [Fire & Building Services]
- ! ensure that all electrical wiring and equipment located inside flammable and combustible storage rooms meet the requirements for use in these areas. [OSHA]
- ! keep materials in closed, non-leaking containers, such as drums and bottles with lids so that vapors do not escape, unless the Indiana Department of Fire & Building Services requires pressure relief vents (e.g., such as for gasoline.) [OSHA]
- ! make sure aboveground storage tanks, containers, and connecting pipes are properly labeled. For example, used oil storage tanks and piping must be marked with the words "Used Oil."
- ! ensure that all containers are clearly labeled with the proper name and hazard warning and that all labels list the target organ (the first organ identified in the MSDS under the harmful effects section.) [OSHA]
- ! store containers holding incompatible hazardous materials at least 20 feet apart or separate them by means of a dike, berm, wall, or other device. For example, oxygen cylinders must be stored away from flammable materials (such as gasoline and some types of solvents) and combustible materials (such as oil or grease.) For information on the products used by your shop, refer to each product's MSDS, which lists incompatible materials. The purpose of this requirement is to prevent fires, explosions, gaseous emissions, or other discharge of hazardous materials constituents which could result from the mixing of incompatible materials if containers break or leak. [OSHA & Fire & Building Services]
- ! store and/or use flammable material away from heat, flame, and sources of ignition. [OSHA & Fire & Building Services]
- ! if flammable or combustible materials are stored outdoors, they must be properly stored and must be placed within a specific number of feet of the property line and a specific number of feet away from the building. These distances depend on information specific to your shop. Contact the Plan Review Division of the Indiana Department of Fire & Building Services for more information. [Fire & Building Services]

- ! not release hazardous materials into any sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, or upon the ground, sidewalk, street, highway or into the atmosphere so as to create a risk of fire or explosion. [Fire & Building Services]
- ! report spills of hazardous materials. See Section 3.8.

**You Should:**

- ! store all containers on an impermeable surface (such as a concrete floor), away from drains or fire hazards.
- ! store drums so that the bottoms of the drums will not rest in standing water at any time.
- ! walk through your storage area on a weekly basis and inspect containers for leaks, corrosion, and outdated supplies.
- ! when transferring chemicals to a new container, you should use the label from the original container or make a photo copy of the original label and affix it to the new container. Note that photocopied labels should be laminated if there is a possibility that they will become wet.
- ! if your shop is located in a Wellhead Protection Area, you should have the name and contact number of the Public Water Supply System (PWSS) next to your telephone or on your Emergency Notification list (see Section 3.8.) There may be additional spill reporting requirements if you are located within a Wellhead Protection Area.

**You Should Consider:**

- ! patching any cracks in your floor and painting the floor with a resistant paint to help prevent any spilled materials from entering the soil and contaminating the ground water.
- ! providing secondary containment to hold materials in the event of a spill.

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**Your goal should be to keep hazardous chemicals and hazardous wastes in their proper place so that you never have a spill or release. It is very difficult and costly to get hazardous chemicals out of the soil and water, so it is in your best interest to implement work practices that will help prevent a spill or release.**

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## **3.4 Storing Hazardous Wastes**

When storing hazardous wastes on-site, you must properly store the wastes and must also meet time limits for on-site accumulation of the wastes. There are two different time limits for on-site accumulation of hazardous waste, depending on whether or not a shop has a satellite accumulation area. Satellite accumulation areas offer advantages to SQGs regarding time limits for on-site accumulation, but whether or not you have a satellite accumulation area in your shop is optional.

Satellite accumulation areas are collection points for hazardous waste. These areas must be located at or near the point of generation of the hazardous wastes, and the operator of the process generating the hazardous waste must have control of and easy access to the satellite accumulation area.

A shop with a satellite accumulation area must mark their containers with the words "Hazardous Waste" and may accumulate hazardous waste (up to 55 gallons) until the drum is completely filled. Once the drum has been filled, the shop must immediately mark the drum with the date it was filled. From this point, the shop has 72 hours to move the drum to the shop's storage area, and has 180 days to have the hazardous waste properly manifested and shipped to a treatment, storage, disposal or reclamation TSDR facility.

A shop that does not have a satellite accumulation area may accumulate hazardous waste on-site for up to 180 days provided that the quantity of waste accumulated on-site never exceeds 13,228 pounds. It is important to note that this 180-day time limit begins on the day that hazardous waste is first put into the empty container (not after the container has been completely filled.)

If a shop (either with or without a satellite accumulation area) can verify that it ships its hazardous waste at least 200 miles to a TSDR facility, the shop may accumulate waste for up to 270 days. CTAP recommends that you store wastes no longer than 180 days total or 30 days after a container or drum has been filled, whichever comes first. Note that large quantity generators can store a hazardous waste for no more than 90 days from the date the waste was first placed in the storage container or tank.

In order to comply with the regulations regarding the proper storage of hazardous wastes and the time limits for on-site accumulation of the wastes, the following rules apply:

**You Must:**

- ! store materials in a manner that does not create a hazard. Ensure that stacked materials are limited in height and secured against sliding or collapsing. Do not allow excess materials to accumulate in your storage areas if doing so will result in a potential hazard for tripping, fire, explosion, or infestation of pests. [OSHA]
- ! ensure that waste storage containers/tanks are in good condition.
- ! if the waste is flammable or combustible, the storage container must meet the requirements of the Indiana Department of Fire & Building Services. [Fire & Building Services]
- ! store flammable and combustibles in a fire cabinet or a storage room constructed to meet the 1-hour fire-resistant rating. Containers stored inside must not exceed 60 gallons in individual capacity: portable tanks must not exceed 660 gallons. [Fire & Building Services]
- ! ensure that all electrical wiring and equipment located inside flammable and combustible storage rooms meet the requirements for use in these areas. [OSHA]
- ! use containers made of or lined with materials which are compatible with the hazardous waste being stored. For example, solvents containing naphtha should not be stored in containers made of polystyrene, polycarbonate, PVC, or acrylics because these solvents will dissolve plastic.
- ! maintain a separate, properly labeled container for each waste.
- ! ensure that your hazardous waste storage containers are marked or labeled with the following information:
  - the words "Hazardous Waste."
  - the accumulation start date (for shops without a satellite accumulation area, this is the date you first put waste in that container) or the date that the container was moved to the hazardous waste storage area (for shops with a satellite accumulation area.)
- ! ensure that hazardous waste stickers are in good condition. Replace worn stickers.

- ! inspect hazardous waste containers every week for evidence of leaks or deterioration.
  - look for corrosion on the bottom of the containers and damp spots on the floor.
  - make sure the lids fit properly and are not rusted.
- ! if a container holding hazardous waste is not in good condition (e.g. damaged, leaking, rusting), the shop must transfer the hazardous waste from the original container to a second container or to an overpack container (a container that is made of compatible materials and is large and strong enough to hold the original container and its contents.)
- ! keep hazardous waste containers closed during storage. Only open them to add, sample, or remove wastes.
- ! place incompatible wastes in separate containers. Storage containers holding incompatible hazardous wastes (or incompatible materials) must be spaced at least 20 feet apart or must be separated by means of a dike, berm, wall, or other device. For example, oxygen cylinders must be stored away from flammable materials (such as gasoline and some types of solvents) and combustible materials (such as oil or grease.) The purpose of this requirement is to prevent fires, explosions, gaseous emissions, or other discharge of hazardous waste/materials or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak. [OSHA]
- ! store flammable wastes away from heat, flame, and sources of ignition. [OSHA & Fire & Building Services]
- ! meet on-site accumulation time limits (discussed above.)
- ! designate an emergency coordinator for your facility and develop emergency response procedures. (See the Emergency Notification List in Attachment K and Section 4.1)

**You Should:**

- ! if the waste is to be shipped off-site:
  - the waste should be stored in containers that meet DOT requirements (so that the material will not have to be transferred from one container to another prior to shipping.)
  - the containers should be labeled with the required DOT shipping information at the time they are marked or labeled with the information necessary to meet the storage requirements of this section (i.e., marked as a hazardous waste and dated.) Although your hauler may label your containers for you, it is your responsibility to make sure the containers are labeled, packaged and properly marked during generation and transportation. See Section 3.5 for information on shipping requirements.

### **3.5 Proper Handling and Shipping of Your Hazardous Wastes**

Hazardous wastes that you send off-site must be accompanied by Indiana's Uniform Hazardous Waste Manifest form unless you are shipping your hazardous waste to another state. In this case, you must use the receiving state's hazardous waste manifest form (or Indiana's if the receiving state does not have their own form.) The uniform hazardous waste manifest is a shipping paper that must be properly completed to identify each shipment of hazardous waste that is sent off-site. A copy of the manifest is provided to each party that takes responsibility for the waste, including you, your hauler, the TSDR facility, and IDEM. As the generator of the hazardous waste, you are responsible

for ensuring that the manifest is correctly and completely filled out. The transporter must also be certain that the manifest is properly filled out before accepting the shipment. For this reason, many waste haulers will prepare the manifest for you, and will then ask you to review and sign the manifest if all of the information is in order. Keep in mind that you are ultimately responsible for ensuring that the manifest is properly completed. For additional information on hazardous waste manifesting, you may order the *State of Indiana Hazardous Waste Manifest Guidance Manual* by using the form on the Fax-On-Demand system.

See Attachment N for an example of a completed Uniform Hazardous Waste Management form. Also see the Fax-On-Demand system for DOT shipping descriptions of hazardous wastes that are likely to be generated by a vehicle maintenance shop.

### **You Must:**

- ! ensure that the wastes are properly contained/packaged and that the containers are labeled in accordance with DOT regulations.
- ! ensure that hazardous waste stickers or markings include the following information:
  - the words "HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency."
  - the proper DOT shipping name, followed by the product's technical name in parentheses. For example:  
 Waste Flammable Liquid, N.O.S., 3, UN1993, PGII, RQ (Contains Gasoline), D001  
 A listing of specific shipping information for wastes that are commonly generated by the vehicle maintenance industry is available via the Fax-On-Demand system or from IDEM's web site. [DOT]
  - the name and address of your shop.
  - EPA ID number.
  - EPA Waste number.
  - the manifest document number.

*If desired, you may use a label such as this one, but are not required to do so.*

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**HAZARDOUS WASTE**

FEDERAL LAWS PROHIBIT IMPROPER DISPOSAL  
IF FOUND, CONTACT THE NEAREST POLICE OR  
PUBLIC SAFETY AUTHORITY OR THE  
U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERATOR INFORMATION:

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 EPA ID NO. \_\_\_\_\_ EPA WASTE NO. \_\_\_\_\_  
 ACCUMULATION START DATE \_\_\_\_\_ MANIFEST DOCUMENT NO. \_\_\_\_\_

[ \_\_\_\_\_ ]

D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX

**HANDLE WITH CARE!**

Printed By: Lab Safety Supply Inc., Janesville WI 53547-1368 Reorder No. 433

! use a hazardous

waste manifest to ship

hazardous waste off-site to permitted treatment, storage, disposal and reclaiming (TSDR) facilities. Manifests may be obtained from IDEM (use order form on Fax-On-Demand system), or your vendor may provide manifests as part of their service. See Attachment N for a sample hazardous waste manifest form.

- ! not move hazardous waste from one shop to another.
- ! ensure that hazardous waste containers are always tightly closed.
- ! use a hazardous waste hauler that meets the following requirements:
  - is currently registered with IDEM as a hazardous waste transporter and has an EPA ID number;
  - has complied with all DOT training requirements; and
  - transports all wastes to a permitted facility.(see Section 3.6 for more information on choosing a waste management company.)
- ! ensure that the hazardous waste hauler has placed the required placards on the truck/vehicle. Although haulers generally placard their own vehicles, you are responsible for ensuring that the vehicle has all of the placards required by DOT for your shipment. [DOT]
- ! ensure that the hauler ships hazardous waste only to treatment, storage, disposal and reclaiming (TSDR) facilities.

**You Should:**

- ! choose a hazardous waste hauler that is registered with DOT and has liability insurance for accidents that may occur while transporting your hazardous waste.
- ! always know where your hazardous waste is being shipped and understand what is going to be done with the waste.
- ! if you are a CESQG, you are not required, but you should manifest your hazardous waste.

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Because you are a Small Quantity Generator of hazardous waste, you may accumulate waste without a permit for up to 180 days, or, if you can verify that you ship your hazardous waste at least 200 miles to a treatment, storage, disposal, or recycling (TSDR) facility, you may accumulate waste for up to 270 days. We recommend vehicle maintenance shops store wastes no longer than 180 days or 30 days after a container or drum has been filled, whichever comes first.

If you have a satellite accumulation area, you may accumulate hazardous waste until your container is filled (up to 55 gallons.) You then have 72 hours to move your container to the container storage area and 180 days to have the waste shipped to a TSDR facility.

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## 3.6 Liability and Choosing an Environmental Service Company

As the generator of hazardous wastes, special wastes, and hazardous materials, it is your responsibility to ensure that your wastes are transported and managed (i.e. recycled, treated or disposed) in an environmentally responsible and legal manner. You remain liable for any harm done by your waste, even harm that may occur after your waste has reached its final destination. To avoid future liability, you must always ensure that your wastes are properly transported and managed. Even though you may have paid a hauler to legally transport and manage your waste, you remain responsible for the original hauler's improper management of that waste or any subsequent hauler's (if more than one hauler is involved) improper management of the waste.

Therefore, it is important for you to hire a reputable firm to handle your wastes. Some items to consider, in addition to price, when choosing a waste hauler are:

- ! the hauler's reputation in the community and among other businesses;
- ! information regarding where the waste will be shipped and its ultimate treatment (i.e., recycled, fuel blended, disposed, etc.)
- ! the adequacy of the hauler's insurance coverage for worker compensation;
- ! the adequacy of the hauler's insurance coverage for liability, including liability insurance for accidents that may occur during transportation. Some of the forms that you should request from the hauler include:
  - form MCS-90, "Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980";
  - form MCS-83, "Motor Carrier Surety Bond for Public Liability Under Section 30 of the Motor Carrier Act of 1980";
  - the company's written decision, order or authorization from the Interstate Commerce Commission allowing the carrier to be self-insured. These proofs of financial responsibility are considered public information and must show that the carrier is prepared to respond to at least one million dollars in damages that may result from its handling of your waste.

In addition to the above-listed documents, your hazardous waste hauler and the TSDR facility should provide you with documents verifying that they:

- ! have an EPA ID number;
- ! have complied with all training requirements (EPA, IDEM, OSHA, and DOT);
- ! transport all waste to a TSDR facility; and
- ! provide you with the required documentation for each shipment.

## 3.7 Spill Prevention & Preparedness

Your shop should work to avoid spills and to implement spill response procedures to help ensure that spills are managed effectively.

### **You Should:**

- ! avoid or reduce the amount of material spilled:
  - pump your liquid products directly from one area to another when possible (e.g. use an on-vehicle/closed-loop antifreeze recycler or add motor oil via a hose.) Note that, when flammable liquids are transferred from one container to another, they must be effectively bonded together and also to ground. (OSHA)
  - if possible, seal your shop's drain, using an inflatable plug or absorbent pillow, to eliminate the possibility of spill materials' entering your drain.
  - drain and replace automotive fluids in a designated area where there are no connections to the storm drain or municipal sewer.
  - collect leaking or dripping fluids in designated drip pans or containers. Keep all fluids separate so they may be recycled. When you are finished working on a vehicle, immediately empty contents of drip pans into appropriate collection containers. Don't leave the drip pans unattended as they may pose a tripping hazard, resulting in a potential injury and/or spill.
- ! prepare to respond to spills:
  - refer to the sample Emergency Notification list (see Attachment K.) Complete this form and place a copy of it near each phone in your shop. Having this information on hand during an emergency situation will greatly assist you in notifying the proper agencies and affected parties.
  - keep a spill kit on hand and replenish the kit with any materials that were used during the clean up operation.
  - train employees on the proper response to chemical emergencies. Note that this is required as part of IDEM's hazardous waste regulations and OSHA's Hazard Communication Program. See the Sample Hazard Communication Program in Attachment C for more information.

## **3.8 In Case of a Spill**

Under IDEM's Spill Rule, a spill is defined as a release of more than one pint or one pound of an objectionable substance (such as oil, gasoline, solvents, antifreeze, etc.) that could threaten to enter the ground water or surface water of the State of Indiana. This definition includes spilling an objectionable substance on the ground, into the water, or into a drain that does not lead to a wastewater treatment plant.

Not all spills are reportable. Whether or not a spill must be reported depends on several factors, including:

- ! the material spilled and its Reportable Quantity (RQ). Each hazardous material has its own RQ, requiring the spill to be reported if it meets or exceeds the gallons/pounds corresponding to its RQ.
- ! the location of the spill, including whether the location is part of a wellhead protection area; near a private drinking water well or State water with a designated use; water owned by the federal government; or within or outside your property boundary.
- ! whether or not a spill response has been done.

As a general rule, all spills should be reported unless they:

- ! do not create a risk to public health from fire or explosion.
- ! are contained within a building.
- ! do not come in contact with soil or water.
- ! do not leave your property and do not threaten to enter the waters of Indiana (including ground water). You may clean up the spill and are not required to report it to IDEM.

As you can see, determining when to report a spill is a complicated task. You may obtain additional information via the Fax-On-Demand system or you may simply call IDEM's Spill Hotline at 317/233-7745 or toll free at 888/233-7745. An IDEM Spill Hotline staff member will assist you in determining whether or not you have a reportable spill, and, if your spill is reportable, will also assist you in determining which additional entities you must contact to report the spill.

A sample Emergency Notification list is located in Attachment K. You should complete this form and place a copy of it near each of the phones in your shop for future reference.

If you fail to report a spill, you may receive a \$25,000 fine per day and/or jail time for not reporting. Remember that it is not illegal to have a spill, but it is illegal to fail to report the spill and clean it up.

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## **IDEM's 24-HOUR SPILL HOTLINE**

317/233-7745 LOCAL AND OUT-OF-STATE  
888/233-7745 STATEWIDE (TOLL FREE)

**In addition to reporting the spill to IDEM, there are a number of other organizations that you must contact. See Attachment K for a sample Emergency Notification list. Complete this form and place a copy of it near each phone in your shop.**

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In the event of a spill, IDEM recommends that you follow these procedures. Some of the steps are required ("you must") while others are offered as suggestions ("you should") to avoid harm to employees.

### **If you have a spill:**

- ❶ if appropriate, turn on the ventilation systems to vent the vapors out of the building.
- ❷ alert others and call for help.
- ❸ if the spilled material is not flammable, set the containers upright and shut off the valves that released the material. If the container is damaged, place it in a compatible secondary container (e.g. bucket or overpack drum.)
- ❹ place a spill tube/sock around your drain to prevent spill material from entering the drain.
- ❺ if applicable, have properly trained personnel put on personal protective equipment (apron, gloves), while cleaning up the material. *Note: If you have respirators, you are responsible for establishing a respirator program which includes medical monitoring, training, and planning. Therefore, if you do not stay abreast of the OSHA guidelines, you should not have respirators in your facility. As stated in the introductory section of this manual, respirators are outside the scope of the manual. Call CTAP if you have questions regarding respirators.*

- ❻ clean up the spill, using appropriate methods, including:

- scooping up the material with a dust mop and squeegee if possible (such as with spilled oil);
- cleaning up the spill with a rag; or
- spreading an absorbent material;

Note that if you spill a material that does not leave your property and does not threaten to enter the waters of Indiana (including ground water), you may clean it up and are not required to report the spill to IDEM. The spill must be reported to your local fire department if it creates a risk to public health from fire or explosion. [Fire & Building Services]

- ❼ if you must leave the building because of exposure symptoms from the spilled material, **do not** reenter the building to clean up the spill unless you are OSHA-trained to assist at a hazardous substance release incident (contact BuSET or CTAP for more information on training requirements.) If you do not have this type of OSHA training, contact your local fire department or an environmental contractor. [OSHA]
  - ❽ pack and label the spill material in a compatible container that meets IDEM, DOT and the Indiana Department of Fire & Building Services' regulations, including selecting the appropriate container and properly labeling it.
  - ❾ make a hazardous waste determination on the spill material and manage accordingly. Spill materials that are used to clean up used oil may be managed under the Used Oil Rule if your shop is following the Used Oil Rule and burning the used oil for energy recovery.
  - ❿ report your spill to:
    - IDEM's Spill Hotline as soon as possible, but within 2 hours, by calling 317/233-7745 or toll free at 888/233-7745. The Spill Hotline is staffed 24-hours a day, 7-days a week. When you call, Spill Hotline staff will request the following information:
      - ➔ your shop's name, address, and EPA Identification Number;
      - ➔ date, time, and type of incident (e.g., spill or fire);
      - ➔ quantity and type of hazardous material involved in the incident;
      - ➔ extent of injuries, if any; and
      - ➔ estimated quantity and disposition/makeup of recovered materials, if any.
      - ➔ acknowledgment that you are located within a wellhead protection area (if you are.)
- Don't wait to report your spill. Call the Spill Hotline even if you do not have all of the above-listed information.**

- downstream users of a spill to the waterway. When you report the spill, IDEM will assist you in notifying downstream users; however, it remains your responsibility to notify downstream users of potentially contaminated water.
- the chief of the responding fire department when a release of hazardous materials creates an unreasonable risk to public safety from fire or explosion. For more detailed information on this requirement, contact the Inspection Division of Fire & Building Services at 317/232-2222. [Fire & Building Services]
- if material enters a drain that leads to your wastewater treatment plant, you may be required to call the local wastewater treatment plant to notify them of the spill. Whether or not you are required to report your spill depends upon the quantity and the material(s) spilled.
- if your shop is located in a Wellhead Protection Area, there may be additional spill reporting requirements. Contact your local public water supply system to determine these requirements.

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**It is not illegal to have a spill, but it is illegal to fail to report it and clean it up.**

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### **3.9 What If You Have a Violation? Who's Liable?**

**If you violate an environmental rule, you may be fined up to \$25,000 per day per violation, and you may be jailed depending on the nature and severity of the violation.** Most fines are much less than the \$25,000 maximum. The amount of the fine depends on the magnitude of the violation, the potential and/or actual harm to human health and the environment, the economic benefit gained by not complying with environmental regulations, and the violator's efforts to achieve compliance.

Initial violations may result in IDEM's sending either a warning letter or a notice of violation letter to the business. These letters are not accompanied by fines, but do require the business to come into compliance with the environmental regulations. When fines are assessed, they start at \$1,000 per violation and increase according to the severity of the violation.

When a violation occurs, both the owner and the manager of a shop are liable. The owner has overall responsibility, but the manager is also responsible for the shop that he or she manages. If an environmental rule is *intentionally* violated, or if the owner or manager *conceals* a violation, both may be criminally liable.

If a violation occurs at your shop, it is in your best interest to voluntarily report the violation as soon as possible. This action is recommended because penalties are usually reduced or eliminated in such cases. Reporting and correcting the problem as soon as possible may limit the actual and/or potential harm to human health and the environment and result in reduced clean up costs.

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**If you are unsure as to whether or not you've had a violation or if you have**

**questions regarding the regulations that apply to your shop, call CTAP for confidential assistance.**

# Indianapolis (Main Office)	800/451-6027, ext. 2-8172 or 317/232-8172
# Northwest Indiana Office	219/881-6720 or 888/209-8892 ext. 6720
# Southern Indiana Office	812/923-6256

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